



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

August 14, 2014

Certified Mail

7011 2000 0001 1428 7396

Moonstone Heights Mutual Water Association
P.O. Box 81
Trinidad, CA 95570

Attention: James Bernard, President

Subject: CITATION NO. 01-01-14(C)-001, Failure to Conduct or Report Monthly Coliform Sampling

Enclosed is a Citation issued to the Moonstone Heights Mutual Water Association public water system (Moonstone Heights MWA) for failure to conduct or report monthly coliform sampling for the months of January, March, April, May and June 2014.

Moonstone Heights MWA will be billed at the Division's hourly rate (currently estimated at \$128.00) for the time spent on issuing this Citation. Health and Safety Code Section 116577 provides that a public water system must reimburse this agency for actual costs incurred by the Division for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the Division has spent approximately one hour on enforcement activities associated with this violation.

Moonstone Heights MWA will receive a bill sent from the Drinking Water Program Fee Billing Unit in August of the next fiscal year. This bill will contain fees for any enforcement time spent on Moonstone Heights MWA for the current fiscal year.

If you have any questions regarding this matter, please contact Craig Bunas of my staff at (560) 224-4887 or me at (530) 224-4800.

Tony Wiedemann, P.E.
Klamath District Engineer
Drinking Water Field Operations Branch

Enclosure

cc: Richard Hinrichs, Chief – DDW – Northern California Section

System No. 1200590

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | www.waterboards.ca.gov

1 **STATE OF CALIFORNIA**
2 **STATE WATER RESOURCES CONTROL BOARD**
3 **DIVISION OF DRINKING WATER**
4

5 Date: August 14, 2014
6

7 To: Moonstone Heights Mutual Water Association
8 P.O. Box 81
9 Trinidad, CA 95570
10

11 Attn: James Bernard, President
12 Moonstone Heights Mutual Water Association
13

14 **CITATION No. 01-01-14C-001**
15 **FOR FAILURE TO REPORT**
16 **COLIFORM BACTERIA MONITORING**
17 **Title 22, California Code of Regulations**
18 **Section 64423 and Section 64423.1**
19

20 Section 116650 of the California Health and Safety Code authorizes the issuance of a
21 citation to a public water system for violation of the California Safe Drinking Water Act
22 (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section
23 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order
24 issued or adopted thereunder.
25

26 The State Water Resources Control Board (hereinafter "Board"), acting by and
27 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director

1 for the Division (hereinafter "Deputy Director"), hereby issues a citation to the
2 Moonstone Heights Mutual Water Association (hereinafter, Moonstone Heights MWA)
3 for violation of California Code of Regulations (CCR), Section 64423 and Section
4 64423.1.

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7 **APPLICABLE AUTHORITIES**

8 Section 64423 California Code of Regulations (CCR) states in part:

9 (a) Each water supplier shall collect routine bacteriological water samples as follows:
10 (1) The minimum number of samples for community water systems shall be based on
11 the known population served or the total number of service connections, whichever
12 results in the greater number of samples, as shown in Table 64423-A.

13
14 **Table 64423-A (Excerpt)**

15 **Minimum Number of Routine Total Coliform Samples**

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month

16
17 Section 64423.1 California Code of Regulations (CCR) states in part:

18 (c) Analytical results of all required samples collected for a system in a calendar
19 month shall be reported to the Department not later than the tenth day of the following
20 month, as follows:

21 (1) The water supplier shall submit a monthly summary of the bacteriological
22 monitoring results to the Department.

1 (2) For systems serving fewer than 10,000 service connections or 33,000 persons, the
2 water supplier shall require the laboratory to submit copies of all required
3 bacteriological monitoring results directly to the Department.
4

5 A copy of the applicable statutes and regulations is located in Appendix 1, which is
6 attached hereto and incorporated by reference.
7
8

9 STATEMENT OF FACTS

10 Moonstone Heights MWA is classified as a community water system with a population
11 of approximately 31 people and serving 14 connections. The Division did not receive
12 laboratory results for coliform bacteriological samples collected during the months of
13 January, March, April, May and June 2014, from the Moonstone Heights MWA.
14
15

16 DETERMINATION

17 Title 22, CCR, Section 64423 and Table 54423-A (*Minimum Number of Routine*
18 *Coliform Samples*) provides that a community public water system that serves 25 to
19 1,000 people must collect a minimum of one coliform bacteria sample per month.
20 According to records in this office, Moonstone Heights MWA failed to collect or report
21 the minimum number of coliform bacteria samples from the water in the distribution
22 system in the months of January, March, April, May and June 2014, and is in violation
23 of Section 64423 and Section 64423.1 CCR.
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25
26
27

DIRECTIVES

Moonstone Heights MWA is hereby directed to take the following actions:

1. Comply with Title 22, CCR, Section 64423 and Section 64423.1 in all future monitoring periods.
2. On or before August 29, 2014, notify all persons served by Moonstone Heights MWA of this violation in conformance with Title 22, CCR, Sections 64463.4 and 64465. Appendix 2: *Public Notification Template*, may be used to fulfill the requirements of Section 64465 for content of the notice. Section 64463.4(c)(1) specifies the methods community water systems must use for public notification.
3. On or before September 12, 2014, submit a copy of the notice (*Public Notification Template – Appendix 2*) that was distributed to the customers and the completed *Certification of Public Notification Form* (Appendix 3) to the Division, thus documenting that public notification has been completed.

All submittals required by this Citation shall be submitted to the Division at the following address:

Tony Wiedemann, P.E.
Klamath District Engineer
State Water Resources Control Board
Division of Drinking Water
364 Knollcrest Drive, Suite 101
Redding, CA 96002

1 The Division reserves the right to make such modifications to this Citation as it may
2 deem necessary to protect public health and safety. Such modifications may be
3 issued as amendments to this Citation and shall be effective upon issuance.

4
5 Nothing in this Citation relieves Moonstone Heights MWA of its obligation to meet the
6 requirements of the California Safe Drinking Water Act (CHSC, Division 104, Part 12,
7 Chapter 4, commencing with Section 116270), or any regulation, standard, permit or
8 order issued thereunder.

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10
11 **PARTIES BOUND**

12 This Citation shall apply to and be binding upon Moonstone Heights MWA, its owners,
13 shareholders, officers, directors, agents, employees, contractors, successors, and
14 assignees.

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17 **SEVERABILITY**


18 The directives of this Citation are severable, and Moonstone Heights MWA shall
19 comply with each and every provision thereof notwithstanding the effectiveness of any
20 provision.

21
22
23 **FURTHER ENFORCEMENT ACTION**

24 Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California
25 Health and Safety Code authorizes the Division to issue a citation with assessment of
26 penalties if Moonstone Heights MWA continues to fail to correct a violation identified
27 in a citation; take action to suspend or revoke a permit that has been issued to a



1 public water system if Moonstone Heights MWA has violated applicable law or
2 regulations or has failed to comply with orders of the Division; and petition the
3 superior court to take various enforcement measures against a public water system
4 that has failed to comply with an order of the Division. The Division does not waive
5 any further enforcement action by issuance of this citation.

6
7 
8 Tony Wiedemann, P.E.

8/14/14
Date

9 Klamath District Engineer
10 Division of Drinking Water



11
12 Appendices (3):

- 13 1. Applicable Statutes and Regulations
- 14 2. Notification Template
- 15 3. Compliance Certification

16 Certified Mail No. 7011 2000 0001 1428 7396
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Appendix 1:
**APPLICABLE STATUTES AND REGULATIONS FOR
FAILURE TO COLLECT/REPORT COLIFORM BACTERIA MONITORING
Community Water System
(One Coliform Sample Per Month)**

Section 116650 of the CHSC states in relevant part:

- (a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

Section 64423 of the California Code of Regulations (CCR), states in relevant part:

- (a) Each water supplier shall collect routine bacteriological water samples as follows:
 - (1) The minimum number of samples for community water systems shall be based on the known population served or the total number of service connections, whichever results in the greater number of samples, as shown in Table 64423-A.

Table 64423-A (Excerpt)
Minimum Number of Routine Total Coliform Samples

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month

Section 64423.1 of the California Code of Regulations (CCR), states in relevant part:

- (c) Analytical results of all required samples collected for a system in a calendar month shall be reported to the Department not later than the tenth day of the following month, as follows:
 - (1) The water supplier shall submit a monthly summary of the bacteriological monitoring results to the Department.
 - (2) For systems serving fewer than 10,000 service connections or 33,000 persons, the water supplier shall require the laboratory to submit copies of all required bacteriological monitoring results directly to the Department.

Section 64463.4 of the California Code of Regulations (CCR), states in relevant part:

- (a) A water system shall give public notice pursuant to this section if any of the following occurs:
 - (1) Any violation of the MCL, MRDL, and treatment technique requirements, except:
 - (A) Where a Tier 1 public notice is required under section 64463.1; or
 - (B) Where the Department determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;
 - (2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the Department determines

that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;...

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the Department's written approval based on the violation or occurrence having been resolved and the Department's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

(1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;

(2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the Department's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and...

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

(1) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by;

(A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;

2. Posting in conspicuous public places served by the water system, or on the Internet; or

3. Delivery to community organizations.

(2) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:

1. Publication in a local newspaper or newsletter distributed to customers;

2. E-mail message to employees or students;

3. Posting on the Internet or intranet; or

4. Direct delivery to each customer.

Section 64465 of the California Code of Regulations (CCR), states in relevant part:

(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:

(1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);

(2) The date(s) of the violation or occurrence;

(3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;

(4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;

(5) Whether alternative water supplies should be used;

(6) What actions consumers should take, including when they should seek medical help, if known;

(7) What the water system is doing to correct the violation or occurrence;

(8) When the water system expects to return to compliance or resolve the occurrence;

(9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;

(10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: —Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail; and

(11) For a water system with a monitoring and testing procedure violation, this language shall be included: —We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period dates], we [did not monitor or test or did not complete all monitoring or testing] for [contaminant(s)], and therefore, cannot be sure of the quality of your drinking water during that time.

(c) Each public notice given pursuant to this article shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish. For each non-English speaking group other than Spanish-speaking that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice shall:

- (1) Contain information in the appropriate language(s) regarding the importance of the notice, or
- (2) Contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

(d) Each public notice given pursuant to this article shall:

- (1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
- (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
- (3) Not contain language that minimizes or contradicts the information being given in the public notice.

**Appendix 64465-A. Health Effects Language
Microbiological Contaminants.**

<i>Contaminant</i>	<i>Health Effects language</i>
Total Coliform	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
Fecal coliform/ <i>E. Coli</i>	Fecal coliforms and <i>E. coli</i> are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.
Turbidity	Turbidity has no health effects. However, high levels of turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

**Monitoring Requirements Not Met for
Moonstone Heights Mutual Water Association**

Our water system failed to monitor as required for drinking water standards during past months and, therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During January, March, April, May and June 2014, we did not monitor or test for total coliform and therefore, cannot be sure of the quality of our drinking water during that time.

What should you do?

There is nothing you need to do at this time.

The table below lists the contaminant(s) we did not properly test for during the last month, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were or Will Be Taken</i>
Coliform bacteria	one sample every month	none	January, March, April, May and June 2014	

If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What Happened? What Was Done?

Moonstone Heights MWA did not collect coliform bacteria samples from the water system for January, March, April, May and June 2014. The sampling of coliform bacteria will be resumed in the near future.

For more information, please contact _____ of the Moonstone Heights MWA at _____.

Please share this information with other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Upon receipt of this notice from a public water system the following establishments must provide secondary notification by distributing this notice within ten days as follows: Schools must notify school employees, students, and parents (if the students are minors). Residential rental property owners or managers (including nursing home and care facilities) must notify tenants. Business property owners, managers, or operators must notify employees of businesses located on the property. [Health and Safety Code Section 116450(g)]

State Water System ID#: _____ 1200590

Date distributed: _____

Certification of Public Notification

This form when completed and returned to the Division of Drinking Water and Environmental Management (364 Knollcrest Drive, Suite 101, Redding, CA 96002 or fax to 530-224-4844), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463 - 64465.

Public Water System Name Moonstone Heights Mutual Water Association

Public Water System No. 1200590

Public notification for the January, March, April, May and June 2014 failure to collect/report results of coliform bacteria sampling was performed by the following method(s) (check and complete those that apply):

☐ The notice was mailed to users on _____
A copy of the notice is attached.

☐ The notice hand delivered to water customers on _____
A copy of the notice is attached.

☐ The notice was published in the local newspaper on _____
A copy of the newspaper notice is attached.

☐ The notice was posted in the following conspicuous places:
A copy of the notice is attached.

Provide the date (or dates) that the notice was posted _____

☐ The notice was delivered to the following community organizations:
A copy of the notice is attached.

Provide the date (or dates) that the notice was delivered _____

I hereby certify that the above information is factual.

Printed Name

Signature

Date